

**Condensed Transcript**

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MELVIN KENDZIORSKI,

Plaintiff,

vs.

Civil Action File No. 2005-064008-NO

INDIANA PACERS, an assumed  
name for PACERS BASKETBALL  
CORPORATION, an Indiana  
corporation; JERMAINE  
O'NEAL, an Indiana  
resident; JAMAAL TINSLEY,  
an Indiana resident; and  
JOHN GREEN, a Michigan  
resident, jointly and severally,

Defendants.

~~~~~

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES HADDAD,

Plaintiff,

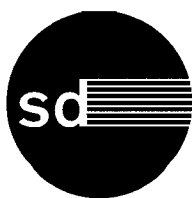
vs.

Civil Action File No. 04-CV74932  
Hon. Anna Diggs Taylor  
Mag. Judge Donald A. Scheer

INDIANA PACERS, an assumed  
name, a/k/a PACERS  
BASKETBALL CORPORATION, an  
Indiana corporation,  
JERMAINE O'NEAL and  
ANTHONY JOHNSON, Jointly  
and Severally,

Defendants.

~~~~~



**setdepo**

**Streamlined • Centralized • Standardized**  
*The Evolution of Deposition Management*

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

JOHN F. ACKERMAN, JR.,

Plaintiff,

vs.

Case No. 04-062545 NO

Hon. D Langford-Morris

INDIANA PACERS, an assumed  
name for PACERS BASKETBALL  
CORPORATION, an Indiana  
Corporation, RON ARTEST,  
STEPHEN JACKSON, JERMAINE  
O'NEAL, DAVID HARRISON and  
THE PALACE OF AUBURN  
HILLS, an assumed name for  
PALACE SPORTS &  
ENTERTAINMENT, INC.,  
Jointly and Severally,

Defendants.

~~~~~

**VIDEOTAPED DEPOSITION OF**

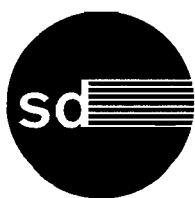
**RONALD W. ARTEST, JR.**

January 25, 2006

9:00 a.m.

125 South Pennsylvania Street  
Indianapolis, Indiana

Blanche J. Harris, CCR No. B-2290



**setdepo**

**Streamlined • Centralized • Standardized**  
*The Evolution of Deposition Management*

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">161</p> <p>1 really just looking around to see who was<br/>2 coming towards me.<br/>3 Q. Were you aware that fans were<br/>4 coming onto the floor?<br/>5 A. At first, I wasn't. When I looked<br/>6 at the videotape, I was walking. And as I<br/>7 was walking, looking in another direction,<br/>8 somebody was walking towards me.<br/>9 But when I was there, you know,<br/>10 when I turned around, I seen this guy just<br/>11 walking towards me.<br/>12 Q. Did you notice fans, other than<br/>13 this fan, walking towards you?<br/>14 A. I seen -- no, just him.<br/>15 Q. And can you describe him to us?<br/>16 A. At the time, I just seen he was<br/>17 big.<br/>18 Q. Did he wear anything? Did he have<br/>19 a hat on?<br/>20 A. I can't remember if he had<br/>21 anything on.<br/>22 Q. You're 6-6, did you say?<br/>23 A. Yeah.<br/>24 Q. And how big was he in relationship<br/>25 to you?</p>                                                                     | <p style="text-align: center;">163</p> <p>1 name?<br/>2 A. Who's the guy? He's big too?<br/>3 MR. RUBIN: Forget about the name.<br/>4 The guy just coming after you. Whoever it<br/>5 is.<br/>6 THE WITNESS: I seen somebody<br/>7 coming at me.<br/>8 Q. (By Mr. Charfoos) You don't know<br/>9 his name?<br/>10 A. No.<br/>11 Q. You didn't talk to him?<br/>12 A. No.<br/>13 Q. Did he say anything to you?<br/>14 A. He just flinched at me like he was<br/>15 about to punch me.<br/>16 Q. Show us what he did, on the video<br/>17 -- I mean for the video.<br/>18 A. He went like this (indicating).<br/>19 He was walking towards me in an aggressive --<br/>20 and went like this. Balled his fist up.<br/>21 Q. What did you do?<br/>22 A. I reacted, and I just threw a jab.<br/>23 Q. What happened to him next?<br/>24 A. I think it was his friend that<br/>25 attacked me from behind, if I'm not mistaken.</p> |
| <p style="text-align: center;">162</p> <p>1 A. He had to be like 5-11.<br/>2 Q. Heavy set?<br/>3 A. Yeah. Maybe like 260 pounds.<br/>4 Q. Do you remember if he was wearing<br/>5 anything that you remember?<br/>6 A. He had a jersey on.<br/>7 Q. Do you remember what it said?<br/>8 A. No. I just remember it had to be<br/>9 a Detroit Pistons home jersey.<br/>10 Q. Were you walking or running when<br/>11 this occurred?<br/>12 A. I was walking.<br/>13 Q. Were you talking to anybody?<br/>14 A. Nobody.<br/>15 Q. The crowd still noisy and loud?<br/>16 A. I can't recall. Most likely, yes.<br/>17 Q. As this gentleman came towards you<br/>18 -- by the way, we believe his name to be Mr.<br/>19 Shackelford. Have you ever learned that name?<br/>20 A. Shackelford who?<br/>21 Q. The guy coming towards you. Alvin<br/>22 Shackelford. What's his first name?<br/>23 MR. THOMPSON: Not Shackelford.<br/>24 Q. (By Mr. Charfoos) The guy coming<br/>25 towards you. The big guy. Do you know his</p> | <p style="text-align: center;">164</p> <p>1 Q. Did you ever see him?<br/>2 A. No. I see on the videotape. But<br/>3 I felt it.<br/>4 Q. You never saw him?<br/>5 A. No.<br/>6 Q. Do you know how big or tall or<br/>7 short he was?<br/>8 A. When I see him on the tape, I<br/>9 just see --<br/>10 Q. No. Not on the tape.<br/>11 A. No. He had some strength, though.<br/>12 He grabbed me pretty strong.<br/>13 Q. Where?<br/>14 A. Around my back, waist.<br/>15 Q. Was this after you had had some<br/>16 kind of contact with Mr. Shackelford?<br/>17 A. It was at the same time. They<br/>18 was attacking me together.<br/>19 Q. How did you get rid of the other<br/>20 guy?<br/>21 A. I have not a clue.<br/>22 Q. You don't know if you pushed him<br/>23 away or did what?<br/>24 A. I can't even recall. I don't know<br/>25 how I got away. I just somehow got out.</p>                                          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">165</p> <p>1 Q. Do you remember having physically<br/>2 hit either of these two men?<br/>3 A. No. I remember trying to protect<br/>4 myself, but none of my punches connected.<br/>5 Q. So you did not physically hit<br/>6 either one of them?<br/>7 A. If you recall brushing across the<br/>8 elbow or forearm a hit, then yes. But if<br/>9 you don't call it a hit. It was no, like,<br/>10 face. I didn't hit anybody in the face or<br/>11 anything like that.<br/>12 Q. Did you see what happened to the<br/>13 bigger guy?<br/>14 A. They both big. They was both,<br/>15 like, the same size.<br/>16 Q. Did you see what the first one did<br/>17 that you saw, then?<br/>18 A. On the tape, you know, I seen --<br/>19 Q. No, not on tape.<br/>20 MR. RUBIN: He's asking what you<br/>21 recall.<br/>22 THE WITNESS: No. I didn't see.<br/>23 Q. (By Mr. Charfoos) All right.<br/>24 A. I was just still -- after I got<br/>25 out that situation, I was looking for more</p> | <p style="text-align: center;">167</p> <p>1 this record and make sure that there's not<br/>2 something you know that we don't know.<br/>3 MR. RUBIN: Mr. Charfoos, would it<br/>4 be a fair question to ask him -- is that you<br/>5 didn't see with your own eyes the events that<br/>6 happened with Mr. Johnson or Mr. --<br/>7 THE WITNESS: I don't remember if<br/>8 I seen them or not.<br/>9 Q. (By Mr. Charfoos) Today, you<br/>10 can't tell us anything about it?<br/>11 A. Yeah. I can't remember if I seen<br/>12 it or, you know --<br/>13 Q. Or saw it on the tape?<br/>14 A. Yeah.<br/>15 Q. When this first guy who came to<br/>16 you when you made the motions when you just<br/>17 stood up, how far were you from the end of<br/>18 the court; do you know, feet wise?<br/>19 A. I don't know.<br/>20 Q. More than 10 feet, more than 15<br/>21 feet?<br/>22 A. Probably free throw line extended,<br/>23 you know, three point line extended. I was<br/>24 probably at the top of the three point line.<br/>25 Probably 10 feet, 12 feet, maybe 15, 20.</p> |
| <p style="text-align: center;">166</p> <p>1 people who was coming after me.<br/>2 Q. Did you see other people on the<br/>3 floor?<br/>4 A. I seen -- it was just people. I<br/>5 don't even -- it was people all around.<br/>6 Q. Did you see what Anthony Johnson<br/>7 did after you had the contact with the big<br/>8 guy?<br/>9 A. No.<br/>10 Q. Did you see what Jermaine O'Neal<br/>11 did after you had the contact with the big<br/>12 guy?<br/>13 A. Not on tape; right?<br/>14 Q. Not on tape.<br/>15 A. No. No.<br/>16 Q. So you cannot help us for purposes<br/>17 of these claims to tell us anything about<br/>18 what Anthony Johnson did or Jermaine O'Neal<br/>19 did regarding these two men that had their<br/>20 hands near or on you?<br/>21 A. All I know is after I got out of<br/>22 the situation, I was watching out for those<br/>23 people and I was watching out for more<br/>24 people.<br/>25 Q. No problem. We just have to make</p>                                                   | <p style="text-align: center;">168</p> <p>1 I'm not sure. Something like that.<br/>2 Q. You've used the term stepping back.<br/>3 Did you consider when you stepped back that's<br/>4 meaningful in some way, form or manner?<br/>5 A. When did I use that term?<br/>6 Q. Regarding Mr. Wallace's incident<br/>7 with you.<br/>8 A. Repeat the question, please.<br/>9 Q. Yeah.<br/>10 What do you mean when you say, "I<br/>11 was stepping back"?<br/>12 A. Oh, just stepping back, moving away<br/>13 from him.<br/>14 Q. Is that a sort of sign that you're<br/>15 not interested in participating in some kind<br/>16 of physical altercation? Is that a sign of<br/>17 saying, "I'm backing off"?<br/>18 A. Yeah, definitely.<br/>19 Q. And finally, you used the term<br/>20 sucker punch. What's your definition of a<br/>21 sucker punch?<br/>22 A. What the guy did to me in the<br/>23 stands.<br/>24 Q. Tell me.<br/>25 A. He was just grabbing me and just</p>                                                                                                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">169</p> <p>1 punched me in my face.</p> <p>2 Q. Why do you call it sucker punch?</p> <p>3 A. I think that's from behind.</p> <p>4 Q. You don't have a chance to do</p> <p>5 anything about it?</p> <p>6 A. No. I think it's only from</p> <p>7 behind. It was, like, from behind, you know.</p> <p>8 Q. If you were to be asked in general</p> <p>9 what a sucker punch is, what do you consider</p> <p>10 a sucker punch?</p> <p>11 A. Being punched from behind.</p> <p>12 Q. Where you don't have a chance to</p> <p>13 do anything?</p> <p>14 A. From behind, you don't know what's</p> <p>15 going on. Just from being punched from</p> <p>16 behind.</p> <p>17 MR. RUBIN: Keep your voice up.</p> <p>18 I know it's getting late in the day.</p> <p>19 THE WITNESS: All right.</p> <p>20 Q. (By Mr. Charfoos) Did the game</p> <p>21 ever continue after these events?</p> <p>22 A. No.</p> <p>23 Q. The game was over?</p> <p>24 A. Yes.</p> <p>25 MR. CHARFOOS: I have no further</p>                    | <p style="text-align: center;">171</p> <p>1 Q. And did you feel in fear for your</p> <p>2 physical safety?</p> <p>3 A. Definitely.</p> <p>4 Q. And are you aware at that time</p> <p>5 that your teammate Stephen Jackson had come</p> <p>6 into the stands to come to your aid?</p> <p>7 A. No. I was just trying to leave.</p> <p>8 Q. Since that time, have you become</p> <p>9 aware that Stephen Jackson came up into the</p> <p>10 stands to help you?</p> <p>11 A. Yes.</p> <p>12 Q. And given the mood of the crowd --</p> <p>13 which I think you characterized as angry or</p> <p>14 hostile at that point -- do you think it was</p> <p>15 a brave thing for Stephen Jackson to do, to</p> <p>16 come up to your aid?</p> <p>17 A. It was the right thing and brave</p> <p>18 thing; yes.</p> <p>19 Q. And are you grateful that he did</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 MR. WEISS: Thank you.</p> <p>23 EXAMINATION</p> <p>24 BY-MR.SMITH:</p> <p>25 Q. Shawn Smith for Mr. Green, real</p>                                                                                                                                                   |
| <p style="text-align: center;">170</p> <p>1 questions.</p> <p>2 EXAMINATION</p> <p>3 BY-MR.WEISS:</p> <p>4 A. Mr. Artest, my name is Steve</p> <p>5 Weiss. I represent your teammate, Stephen</p> <p>6 Jackson. And I just have a couple of</p> <p>7 questions for you.</p> <p>8 MR. RUBIN: Mr. Weiss, could you</p> <p>9 keep your voice up, because I can't hear you</p> <p>10 over here.</p> <p>11 Q. (By Mr. Weiss) Mr. Artest, I want</p> <p>12 to take you back to the point in time where</p> <p>13 you had gone into the stands, and you were</p> <p>14 in the vicinity of the person that had</p> <p>15 cheered when you were struck by the beer;</p> <p>16 okay?</p> <p>17 And I think after that point in</p> <p>18 time, you testified that you were grabbed by</p> <p>19 someone from behind, and grabbed by several</p> <p>20 other people at the same time.</p> <p>21 A. Yes.</p> <p>22 Q. And at that point in time, you</p> <p>23 felt like you were under attack; is that fair</p> <p>24 to say?</p> <p>25 A. Definitely.</p> | <p style="text-align: center;">172</p> <p>1 quick. You talked earlier regarding the push</p> <p>2 from Ben Wallace as being on the street, it</p> <p>3 would be a crime, and on the court it's not</p> <p>4 a crime.</p> <p>5 Do you recall that?</p> <p>6 A. Yes.</p> <p>7 Q. When he threw the band from his</p> <p>8 wrist and it struck you in the eye, causing</p> <p>9 an injury to your eye, you will agree that</p> <p>10 that's not appropriate conduct for a player</p> <p>11 on the court; correct?</p> <p>12 A. Not appropriate.</p> <p>13 Q. Not even -- on the street that</p> <p>14 would be a crime, and on the court that</p> <p>15 would be a crime?</p> <p>16 MR. RUBIN: I'm going to object.</p> <p>17 If you know if it's a crime, you can answer</p> <p>18 the question.</p> <p>19 Q. (By Mr. Smith) In your personal</p> <p>20 opinion, based on what you said about Ben</p> <p>21 Wallace's push, his actions as it relates to</p> <p>22 the band being thrown at you, using that same</p> <p>23 analogy you used on your own earlier, just</p> <p>24 real quickly, do you feel that that was, A,</p> <p>25 appropriate, or, B, a crime?</p> |



**setdepo**

Streamlined • Centralized • Standardized  
The Evolution of Deposition Management

**Nationwide Scheduling**

Toll Free: 1.800.451.3376

Facsimile: 1.888.451.3376

[www.setdepo.com](http://www.setdepo.com)